



**4310-VH-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Safety and Environmental Enforcement (BSEE)**

**[Docket ID BSEE-2016-0015; OMB Number 1014-0012; 17XE1700DX EEEE500000  
EX1SF0000.DAQ000]**

**Information Collection Activities: Open and Nondiscriminatory Access to Oil and  
Gas Pipelines Under the OCS Lands Act; Submitted for Office of Management and  
Budget (OMB) Review; Comment Request**

**ACTION:** 30-day Notice.

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Safety and Environmental Enforcement (BSEE) is notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations, *Open and Nondiscriminatory Access to Oil and Gas Pipelines Under the OCS Lands Act*. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

**DATE:** You must submit comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit comments by either fax (202) 395-5806 or email (OIRA\_Submission@omb.eop.gov) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014-0012). Please provide a copy of your comments to BSEE by any of the means below.

- Electronically go to <http://www.regulations.gov>. In the Search box, enter BSEE-2016-0015 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email [kye.mason@bsee.gov](mailto:kye.mason@bsee.gov), fax (703) 787-1546, or mail or hand-carry comments to: Department of the Interior; BSEE; Regulations and Standards Branch; ATTN: Nicole Mason; 45600 Woodland Road, Sterling, VA 20166. Please reference 1014-0012 in your comment and include your name and return address.

**FOR FURTHER INFORMATION CONTACT:** Nicole Mason, Regulations and Standards Branch, (703) 787-1607, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to <http://www.reginfo.gov> (select Information Collection Review, Currently Under Review).

**SUPPLEMENTARY INFORMATION:**

**Title:** 30 CFR Part 291, *Open and Nondiscriminatory Access to Oil and Gas Pipelines Under the OCS Lands Act*.

**OMB Control Number:** 1014-0012.

**Abstract:** The Outer Continental Shelf (OCS) Lands Act (OCSLA) at 43 U.S.C. 1334 authorizes the Secretary of the Interior to prescribe rules and regulations necessary for the administration of the leasing provisions of that Act related to mineral resources on the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-way, or a right-of-use and easement. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human,

marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

The OCSLA requires open and nondiscriminatory access to oil and gas pipelines. The OCSLA provides the Secretary of the Interior the authority to issue and enforce rules to assure open and nondiscriminatory access to pipelines. These regulations provide a mechanism for entities who believe they have been denied open and nondiscriminatory access to pipelines on the OCS. The BSEE established a process, via the subject regulations, to submit complaints alleging denial of access or discriminatory access for a shipper transporting oil or gas production from Federal leases on the OCS. The complaint should include a comprehensive written brief stating the legal and factual basis for the allegation that a shipper was denied open and nondiscriminatory access, together with supporting material. Upon completion, the BSEE Director will review the complaint, answer, and other information, and will serve all parties with a written decision that may include remedial action.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104-133, 110 Stat. 1321, April 26, 1996), and OMB Circular A-25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's implementing policy, BSEE is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Regulations at §§ 291.106(b) and 291.108 require a nonrefundable processing fee of \$7,500 that a shipper must pay when filing a complaint to BSEE.

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74) (FCPIA of 2015). The OCSLA directs the Secretary of the Interior to adjust the OCSLA maximum civil penalty amount at least once every three years to reflect any increase in the Consumer Price Index (CPI) to account for inflation (43 U.S.C. 1350(b)(1)). The FCPIA of 2015 requires Federal agencies to adjust the level of civil monetary penalties with an initial “catch-up” adjustment, if warranted, through rulemaking and then to make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes. Regulations at §§ 291.110 and 291.113 address civil penalties for failure to provide BSEE additional requested information, and/or to comply with a BSEE order to provide open access or nondiscriminatory access.

This authority and responsibility are among those delegated to BSEE. The regulations at 30 CFR 291 concern open and nondiscriminatory access to pipelines, and are the subject of this collection. This request also covers any related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

Responses are voluntary but are required to obtain or retain a benefit. No questions of a sensitive nature are asked. The BSEE protects information considered confidential commercial or proprietary according to the Freedom of Information Act (5 U.S.C. 552) and DOI’s implementing regulations (43 CFR 2); 30 CFR 291.111, *How does BSEE treat the confidential information I provide.*

The BSEE uses the submitted information to initiate a more detailed review into the specific circumstances associated with a complainant's allegation of denial of access or discriminatory access to pipelines on the OCS. The complaint information will be provided to the alleged offending party. Alternative dispute resolution may be used either before or after a complaint has been filed to informally resolve the dispute. The BSEE may request additional information upon completion of the initial review.

**Frequency:** On occasion.

**Description of Respondents:** Potential respondents include companies that ship or transport oil and gas production across the OCS; as well as, Federal OCS oil, gas, or sulfur lessees and/or operators and holders of pipeline rights-of-way.

**Estimated Reporting and Recordkeeping Hour Burden:** The estimated annual hour burden for this information collection is a total of 51 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

#### BURDEN BREAKDOWN

Citation 30 CFR 291	Reporting & Recordkeeping Requirements	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
		Non-Hour Cost Burden		
105, 106, 108, 109, 111	Submit complaint (with fee) to BSEE and affected parties. Request confidential treatment and respond to BSEE decision.	50	1	50
		\$7,500 fee x 1 = \$7,500		
106(b), 109	Request waiver or reduction of fee.	1	1	1
104(b), 107, 111	Submit response to a complaint. Request confidential treatment and respond to BSEE decision.	Information required after an investigation is opened against a specific entity is		0

Citation 30 CFR 291	Reporting & Recordkeeping Requirements	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
		Non-Hour Cost Burden		
110	Submit required information for BSEE to make a decision.	exempt under the PRA (5 CFR 1320.4(a)(2), (c)).		
114, 115(a)	Submit appeal on BSEE final decision.			
TOTAL BURDEN			2 Responses	51 Hours
			\$7,500 Non-Hour Cost Burden	

**Estimated Reporting and Recordkeeping Non-Hour Cost Burden:** We have identified one non-hour cost burden of \$7,500. The BSEE requires that shippers pay a nonrefundable fee of \$7,500 for a complaint submitted to BSEE (30 CFR 291.106). The fee is required to recover the Federal Government’s processing costs.

**Public Disclosure Statement:** The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

**Comments:** Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency “. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .” Agencies must specifically solicit comments to: (a) evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on September 22, 2016, BSEE published a **Federal Register** notice (81 FR 65403) announcing that we would submit

this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 291.1 provides the OMB Control Number for the information collection requirements imposed by the 30 CFR Part 291 regulations. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received one comment in response to the **Federal Register** notice; however, it was not germane to this collection.

**Public Availability of Comments:** Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**BSEE Information Collection Clearance Officer:** Nicole Mason, 703-787-1607.

**Authority:** The authorities for this action are the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1334), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Dated: February 28, 2017.

---

Eric Miller, Acting Deputy Chief  
Office of Offshore Regulatory Programs.

[FR Doc. 2017-07475 Filed: 4/12/2017 8:45 am; Publication Date: 4/13/2017]